



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 21 2012

The Honorable William L. Owens
House of Representatives
Washington, DC 20515

OFFICE OF
WATER

Dear Congressman Owens:

Thank you for your letter of February 21, 2012, and the December 16, 2011, petition for rulemaking submitted by Alcoa to address wastewater discharges from its Massena East facility in Massena, New York. As you note, we have worked with Alcoa over several years regarding its discharge of fluoride in the wastewater produced by its wet air scrubber, used to control the discharge of sulfur dioxide.

When we first met with Alcoa in 2006, the data they provided did, indeed, show that Alcoa was experiencing difficulty in controlling the discharge of fluoride. However, as our work with them progressed, subsequent data submissions showed increasingly better control, to the extent that, as of the end of 2006 and continuing through the end of 2009, we observed no violation of the existing limit for fluoride effluent limitations guidelines (ELG). In fact, using Alcoa's data for the 2006 through 2009 timeframe to calculate a limit would result in a more restrictive limit than the current limit. We consider this to be the result of the truly impressive efforts made by Alcoa to control this discharge. As a result of this, we concluded that a modification of the ELG was not warranted.

We are aware that Alcoa, also on occasion, manufactures a high-purity version of its aluminum product and that they believe that they will have difficulty controlling its fluoride discharge when this grade of aluminum is manufactured. Alcoa's claim is technically plausible, however, during the timeframe that Alcoa was able to provide data, the amount of high purity aluminum manufactured was limited and our analysis did not unearth a definitive relationship between the amount of high-purity aluminum manufactured and the amount of fluoride discharged by the facility. In addition, Alcoa had not established any plans to resume the manufacture of high purity aluminum. In the absence of sufficient wastewater discharge data reflecting the making of high-purity aluminum, we concluded that we could not offer an alternate fluoride discharge limit.

In its petition, Alcoa asserted that the history of the ELG rulemaking and specific technical factors made it impossible for Massena East to always be in compliance with the ELG. We take such concerns very seriously, particularly given Alcoa's genuinely good citizenship and efforts to be in compliance. Alcoa noted that we did not collect wastewater samples from the specific operation in question when we did the rulemaking and that we transferred treatment performance data from another industry. Even allowing for that, we note that, if we were to do a rulemaking today, given the fact that Massena East is, apparently, the only facility in the United States subject to this particular fluoride limit, we would only be able to collect characteristic and treatment performance data from Massena East itself, yielding the same conclusions we came to last year.

We are, however, concerned about the particular case where high-purity aluminum is manufactured. While we cannot establish a definitive case for Massena East being unable to meet the ELG when manufacturing this product, we allow for its possibility. We would be, therefore, willing to consider an alternate fluoride limit, reflecting an effluent contribution commensurate with the fraction of the facility's production made up of the high-purity grade and plan to meet with the New York State Department of Environmental Conservation and Alcoa to discuss this. Please note that there is no guarantee that Alcoa's effluent discharge data during times of high-purity aluminum production will support an alternate fluoride limit.

Finally, we are planning to meet with Alcoa to discuss their concerns and will consider and discuss with them your suggestions for a third party review of the data provided by Alcoa.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Mr. Greg Spraul of the Office of Congressional and Intergovernmental Relations at (202) 564-0255 or via e-mail at spraul.greg@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy K. Stoner', with a stylized flourish at the end.

Nancy K. Stoner
Acting Assistant Administrator